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FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Report of the Secretary-General

SUMMARY

The present report contains the 1997 resource requirements of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia since 1991.

In accordance with General Assembly resolution 50/212 C of 7 June 1996, the Office of Internal Oversight Services was requested to evaluate the resource requirements of the Tribunal and to report to the General Assembly at its fifty-first session.

Pending issuance of the report of the Office of Internal Oversight Services, and to ensure the continued operation of the Tribunal without disruption in 1997, the Secretary-General proposes that real resources for 1997 be kept at the 1996 level, to be augmented solely by those additional resources required to meet the immediate and non-deferable exigencies of the Tribunal.

The amount of resources requested for the period from 1 January to 31 December 1997 amounts to $53,475,800 net ($58,863,500 gross) and reflects a net increase of $18,045,178 and an additional 36 posts over the 1996 appropriation and authorized staffing level.

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I. INTRODUCTION

1. The terms of reference of the International Tribunal were established by the Security Council in its resolution 808 (1993) of 22 February 1993.

2. In its resolution 50/212 C of 7 June 1996, the General Assembly decided to appropriate to the Special Account for the International Tribunal for the former Yugoslavia a total amount of $27,793,122 net ($31,070,572 gross) for the period from 1 April to 31 December 1996, in addition to the amount of $7,637,500 net ($8,619,500 gross) already appropriated for the period from 1 January to 31 March 1996 under General Assembly resolution 50/212 A of 23 December 1995. The total appropriation for 1996 amounted to $35,430,622 net ($39,690,072 gross).

3. By resolution 50/212 C, the Secretary-General was requested to report fully on both the receipt and the application of extrabudgetary funds when preparing future budget proposals for the Tribunal so as to ensure transparency as to the purpose and use of such funds. The format of the present document, detailing 1995 extrabudgetary expenditures and related 1996 and 1997 estimates by programme together with information on seconded personnel and cash contributions (see annex I) seeks to satisfy this request.

4. It has not, however, been possible at this point for the Secretary-General to take into account observations of the Office of Internal Oversight Services as the anticipated report of the Office concerning resource requirements of the Tribunal is not available at this time of writing. Given the importance of this anticipated report, the current budget proposals are limited to provision for real resources for 1997 kept at 1996 level, augmented by unavoidable items arising from exigencies of the ongoing work of the Tribunal. Although an expansion of activities beyond those proposed below appears warranted, it would seem prudent to defer the consideration of additional requirements in the absence of the above report. Once the report is available, the Secretary-General will revert to the question of the additional resources required for the Tribunal to fulfil its mandate. At that time, the Secretary-General expects to be in a position to benefit in full from the observations of the Office of Internal Oversight Services as contained in its report as well as from any decision the General Assembly may make on the basis of the following report on gratis personnel and thereby enable the Assembly to take such resource decisions as it deems fit in the light of all relevant facts at its resumed fifty-first session in 1997.

5. The present report contains resource requirements of the International Tribunal for the former Yugoslavia for 1997, in the amount of $53,475,800 (net) or $58,863,500 (gross). It includes proposals for an increase of $18,045,178 and of 36 posts over the 1996 appropriation and authorized staffing table.

6. The Tribunal, the seat of which is at The Hague, consists of the following organs: the Chambers, comprising two Trial Chambers and an Appeals Chamber; the Office of the Prosecutor; and the Registry, servicing both the Chambers and the Office of the Prosecutor.

7. The distribution of the total resources of the Tribunal in 1997 would be as shown in table 1. Column (d), "Resource change", reflects the need for increases or decreases above or below the column (c) amount, "1996 appropriation at full cost". The increases reflect the requirements arising from the Tribunal coming into full operational status with a schedule of trials extending for the first time throughout the year. These increases have been held to an absolute minimum at this stage by the inclusion of only those items arising as exigencies of the work of the Tribunal. Most of these exigencies arise within the Registry and take the form of contractual services comprising defence counsel fees and costs of servicing trial proceedings, the construction of a second courtroom, minor alterations and improvements to the premises and the assumption of full responsibility for the Aegon building and the associated costs for its operation and maintenance. Additionally, 36 new temporary posts are proposed for 1997. Fifteen of these (3 Professionals and 12 General Service (Other level)) would be for the Office of the Prosecutor to continue to prepare prosecution cases for the 1997 programme of trials. Twenty-one of the posts (1 Professional, 11 General Service (Other level) and 9 Security Service) relate directly to maintenance of building and premises, as well as to provision of critical data-processing and security functions.

Table 1. Summary of requirements by organ

(Thousands of United States dollars)

Assessed budget

	(a) 1994-1995 expenditure	(b) 1996 appropriation	(c) 1996 appropriation at full cost	(d) Resource change (e)-(c)	(e) 1997 estimated requirements
Chambers	3 872.7	2 059.3	2 081.3	243.5	2 324.8
Office of the Prosecutor	12 512.7	12 177.6	14 879.4	1 774.5	16 653.9
Registry	19 482.7	21 193.7	23 859.6	10 637.5	34 497.1
Total	35 868.1	35 430.6	40 820.3	12 655.5	53 475.8

Table 2. Summary of requirements by object of expenditure

(Thousands of United States dollars)

A. Assessed budget

Object of expenditure	(a) 1994-1995 expenditure	(b) 1996 appropriation	(c) 1996 appropriation at full cost	(d) Resource change (e)-(c)	(e) 1997 estimated requirements
Temporary posts	16 013.1	19 973.4	25 363.1	2 070.3	27 433.4
Salaries and allowances of judges	3 120.7	1 619.4	1 619.4	213.8	1 833.2
Common costs of judges	128.9	137.4	137.4	16.1	153.5
Temporary assistance for meetings	65.3	191.7	191.7	(83.6)	108.1
General temporary assistance	151.5	704.0	704.0	103.2	807.2
Overtime	276.9	107.0	107.0	106.0	213.0
Consultants and experts	178.1	76.7	76.7	68.3	145.0
Travel	3 018.4	2 218.0	2 218.0	905.2	3 123.2
Contractual services	3 159.3	3 950.0	3 950.0	2 264.2	6 214.2
Hospitality	0.7	2.9	2.9	-	2.9
General operating expenses	5 741.2	4 251.4	4 251.4	2 274.1	6 525.5
Supplies and materials	599.4	910.7	910.7	565.5	1 476.2
Furniture and equipment	3 414.6	1 288.0	1 288.0	1 528.5	2 816.5
Alterations and improvements to premises	-	-	-	2 623.9	2 623.9
Total	35 868.1	35 430.6	40 820.3	12 655.5	53 475.8

B. Extrabudgetary resources

Object of expenditure	1995 expenditures	1996 estimates	1997 estimates
Temporary posts	-	33.4	171.3
Other payments (mission subsistence allowance)	-	12.0	423.8
General temporary assistance	-	226.6	349.9
Consultants and experts	-	25.0	10.0
Travel	88.9	539.0	-
Contractual services	1.3	-	85.0
General operating expenses	-	84.0	457.0
Supplies and materials	-	55.0	92.7
Furniture and equipment	-	570.0	970.7
Total	90.2	1 545.0	2 560.4

Table 3. Temporary post requirements for 1997

A. Assessed budget

Category	1996	1997	Increase/ (decrease)
Professional category and above			
USG	1	1	-
ASG	1	1	-
D-2	1	1	-
D-1	3	3	-
P-5	12	12	-
P-4	53	53	-
P-3	67	69	2
P-2/1	42	44	2
Total	180	184	4
General Service and other categories			
General Service (Principal level)	6	6	-
General Service (Other level)	104	127	23
Security Service	47	56	9
Total	157	189	32
GRAND TOTAL	337	373	36

B. Extrabudgetary resources

Category	1995	1996	1997
P-3	-	1	1
General Service (Other level)	-	2	2
Total	-	3	3

C. Gratis personnel as at 31 October 1996

Function	Number of personnel
Legal Assistants	22
Investigators	17
Legal Advisers/Prosecutors	11
Intelligence Analyst	1
Research Officer	1
Projects Officer	1
Political Adviser	1
Attorney	1
Total	55

II. RECENT DEVELOPMENTS

8. In 1996, the International Tribunal entered a new phase in its development as a judicial organ with the commencement of trials. The first trial, against Dusko Tadić, began on 7 May 1996 and continues at the date of writing. The Trial Chamber is currently sitting four days per week while the remaining day is set aside to enable the Tribunal's sole courtroom to be utilized for other judicial proceedings. To date, 18 indictments involving 75 accused have now been confirmed by the judges of the Tribunal. In this regard, a total of seven accused (currently detained) await trial. It is expected that, before too long, other accused will be surrendered to the Tribunal.

9. The prosecution case in the Tadić trial was completed on 15 August 1996. Until that date, 76 witnesses had appeared before the Court to give evidence. The defence has served notice that it will call as many as 40 to 50 witnesses during the presentation of its case. A number of the witnesses, both prosecution and defence, have been granted protection in some form, ranging from non-release of names to the public, through visual distortion of the televised image, to full anonymity. On 25 June 1996, the Trial Chamber granted the defence motion to permit remote witness testimony in certain cases where defence witnesses cannot or will not travel to The Hague, subject to the availability of funds and proper technical and procedural arrangements being in place.

10. As at the end of August, 381 exhibits have been presented to the Tribunal in documentary, physical and electronic format. Exhibits are displayed via the

individual monitors in the courtroom, thus enabling all parties to follow the proceedings directly. The proceedings are broadcast in English, French and Bosnian/Croatian/Serbian, while a computer-assisted verbatim transcript is also available for immediate reference.

11. With regard to the Tribunal's Rules of Procedure and Evidence, additional amendments were issued over the last 12 months, dealing with issues of evidence, the transfer of a detained witness, arrest warrants and the detention of a suspect. In addition to the Rules of Procedure and Evidence, the functioning of the Tribunal is governed by a number of other sets of rules and regulations, such as the Rules of Detention and the Regulations for Detainees and the Directive on the Assignment of Defence Counsel, which was amended at the eleventh plenary session in July 1996.

12. The year 1996 also marked a notable rise in the activities of the Office of the Prosecutor. Of primary importance was the implementation of the Dayton Agreement which has had a significant impact on the work of the Office. Although a Memorandum of Understanding regarding cooperation between the Republic of Bosnia and Herzegovina and the Tribunal had enabled the establishment of a field office in Sarajevo, the lack of freedom of movement on the ground and the continuation of hostilities made it impossible to carry out the necessary preparatory work. Investigations also had been hampered, particularly in territory under Bosnian Serb control. The Dayton Agreement and the subsequent introduction of the 60,000-strong Implementation Force (IFOR) created a new environment in which Tribunal investigators could work. In this connection, IFOR has provided assistance to personnel to ensure the security of the investigation teams as they travelled and worked in areas located in Republika Srpska. IFOR has also been of invaluable assistance in the transfer of suspects and indictees from Bosnia and Herzegovina. It agreed to assist the Tribunal, within the limits of its mandate and available resources, and it has done so throughout the year. A Memorandum of Understanding concerning practical arrangements for the detention and transfer to the Tribunal of persons indicted for war crimes by the Tribunal and support of the Tribunal was concluded by the Tribunal, Supreme Headquarters Allied Powers in Europe (SHAPE)/North Atlantic Treaty Organization (NATO) and IFOR on 9 May 1996.

13. Following the initial contacts with IFOR, the investigation teams have been able to venture into or through areas under Bosnian Serb control. Additionally, with the help of information provided by IFOR, it was possible to locate and gain access to mass grave sites. Such access gave the Prosecutor the opportunity to integrate the evidence obtained from exhumations into his investigative strategy. Planning for exhumations began in late 1995 and is continuing in the above areas and in Ovcara. In carrying out exhumations, the Prosecutor received valuable assistance not only from IFOR, but cooperation also from the United Nations Peace Forces (UNPF), the United Nations Mine Action Centre (UNMAC) and Physicians for Human Rights.

14. In February 1996, the parties to the Dayton Agreement met in Rome and agreed that persons may be arrested and detained for serious violations of international humanitarian law only pursuant to a previously issued order, warrant or indictment that has been reviewed and deemed consistent with international legal standards by the Tribunal. The agreement is referred to as

the "Rules of the Road" project. Following the agreement, the Office of the Prosecutor was requested to review 40 cases of individuals who were being held as prisoners of war or suspected war criminals by the parties to the Rome agreement. The cases were reviewed and final determinations were reached in all of them. Of the 40 cases, 11 were found to contain evidence sufficiently in conformity with international legal standards for the national courts to continue to investigate and the remainder were found to contain insufficient evidence to continue the investigation or to be outside the scope of the review.

15. Following the Dayton Agreement and the increase in investigative activity in the region, the need for increased support for the investigation teams became immediately apparent. In response, the Tribunal temporarily redeployed investigative resources and support staff to Sarajevo to expand the existing field office to strengthen the investigative capability of the Office of the Prosecutor in the field.

III. FINANCIAL REQUIREMENTS

A. The Chambers

Table 4. Summary of requirements by object of expenditure

(Thousands of United States dollars)

Object of expenditure	(a) 1994-1995 expenditure	(b) 1996 appropriation	(c) 1996 appropriation at full cost	(d) Resource change (e)-(c)	(e) 1997 estimated requirements
Temporary posts	537.0	291.3	313.3	5.6	318.9
Salaries and allowances of judges	3 120.7	1 619.4	1 619.4	213.8	1 833.2
Common costs of judges	128.9	137.4	137.4	16.1	153.5
Overtime	18.1	-	-	6.0	6.0
Travel	68.0	11.2	11.2	2.0	13.2
Total	3 872.7	2 059.3	2 081.3	243.5	2 324.8

Table 5. Temporary post requirements for 1997

A. Assessed budget

Category	1996	1997	Increase/ (decrease)
General Service and other categories			
General Service (Other level)	6	6	-

B. Gratis personnel as at 31 October 1996

Contributor	Function	Number of personnel
European Commission through the International Commission of Jurists	Legal Assistant	11

Activities

16. During 1996, the Chambers commenced full-time courtroom operations. The first trial began in May and should be completed by the end of 1996. There are currently six accused who are in detention awaiting trial. In addition to the trial, with judicial proceedings including rule 61 hearings,[1] the existing courtroom has been fully utilized since the beginning of 1996 without recess. To date, some 18 indictments have been confirmed, involving 75 accused. Of this total, four indictments have been issued in 1996 involving 14 accused, 4 of which have been surrendered to the Tribunal. In this regard, the Chambers have foregone the proposed traditional arrangement of three judicial sessions of approximately 12 weeks each and have been sitting continuously since the beginning of May 1996. In addition, judges and legal support staff have been operating on a 24-hour-a-day roster basis, thereby ensuring that the Chambers are available to hear any immediate applications that may arise.

17. Given the heavy court schedule and the increasing backlog of cases ready for trial, it is anticipated that, beginning in 1997, the courtroom will operate dual sessions per workday, allowing the two Trial Chambers to sit simultaneously. The Appeals Chamber is also expected to hear its first full appeal in 1997. The Rules of Procedure and Evidence have recently been amended to expand the potential for interlocutory appeals, which would also be heard by the full Appeals Chamber.

Resource requirements

18. Staffing resources. The required staffing resources take into account the following: existing staff resources of six General Service (Other level) posts. Estimated requirements for temporary posts for 1997 amount to $318,900 net.

19. Overtime. A new provision of $6,000 is requested for overtime requirements for the Chambers.

20. Salaries and allowances of judges. The estimated requirements of $1,833,200 are based on the proposals outlined in the report of the Secretary-General on conditions of service and allowances of the members of the International Tribunal (A/C.5/49/11) and take into account the recommendations included in the report of the Advisory Committee on Administrative and Budgetary Questions (A/49/7/Add.12). These proposals include:

(a) Annual salary of $145,000 for each of 11 judges;

(b) An additional special allowance of $15,000 per annum for the President of the Tribunal;

(c) An additional special allowance for the Vice-President of $94 for every day he/she acts as President, up to a maximum of $9,400 per year;

(d) A pension entitlement of $20,000 for each member of the Tribunal who serves a full four-year term;

(e) Relocation allowance upon completion of service (subject to satisfying eligibility requirements) equal to 12 weeks' net salary on completion of appointment and resettlement outside the Netherlands ($133,800).

21. Common costs of judges. A provision of $153,500 is requested to cover expenditures in 1997, including installation allowance ($111,600) and removal of household effects ($15,300) as well as home leave entitlements ($26,600).

22. Official travel. Estimated requirements of $13,200 would provide for the travel of the President (accompanied by a Legal Officer) to travel to the former Yugoslavia for high-level contacts and to visit Central and Western European States to attend judicial seminars and address senior government officials as well as to request support for the Tribunal, including financial assistance in terms of voluntary contributions (see annex I). Resources under this heading would also provide for the travel of the President to present the annual report to the General Assembly and the Security Council.

B. Office of the Prosecutor

Table 6. Summary of expenditures by object of expenditure

(Thousands of United States dollars)

A. Assessed budget

Object of expenditure	(a) 1994-1995 expenditure	(b) 1996 appropriation	(c) 1996 appropriation at full cost	(d) Resource change (e)-(c)	(e) 1997 estimated requirements
Temporary posts	9 839.1	10 590.1	13 291.9	982.2	14 274.1
General temporary assistance	85.9	20.0	20.0	10.0	30.0
Overtime	9.3	7.0	7.0	-	7.0
Consultants and experts	129.0	46.7	46.7	68.3	115.0
Travel	2 445.6	1 513.8	1 513.8	714.0	2 227.8
Contractual services	3.8	-	-	-	-
Total	12 512.7	12 177.6	14 879.4	1 774.5	16 653.9

B. Extrabudgetary resources

Object of expenditure	1995 expenditures	1996 estimates	1997 estimates
Other payments (mission subsistence allowance)	-	12.0	423.8
General temporary assistance	-	154.1	239.7
Consultants and experts	-	25.0	10.0
Travel	88.9	539.0	-
Contractual services	1.3	-	85.0
General operating expenses	-	31.1	169.0
Supplies and materials	-	22.0	37.0
Furniture and equipment	-	170.0	290.0
Total	90.2	953.2	1 254.5

Table 7. Temporary post requirements for 1997

A. Assessed budget

Category	1996	1997	Increase/ (decrease)
Professional category and above			
USG	1	1	-
ASG	-	-	-
D-2	1	1	-
D-1	1	1	-
P-5	9	9	-
P-4	34	34	-
P-3	40	41	1
P-2/1	27	29	2
Total	113	116	3
General Service and other categories			
General Service (Principal level)	1	1	-
General Service (Other level)	47	59	12
Security Service	-	-	-
Total	48	60	12
GRAND TOTAL	161	176	15

B. Gratis personnel as at 31 October 1996

Contributor	Function	Number of personnel
Denmark	Investigator	1
Finland	Investigator	1
Italy	Legal Adviser/ Prosecutor	1
Netherlands	Legal Adviser/ Prosecutor	1
Netherlands	Investigator	3
Norway	Investigator	1
Norway	Intelligence Analyst	1
South Africa	Investigator	1
Sweden	Investigator	2
Switzerland	Legal Adviser	1
United Kingdom	Investigator	3
United States of America	Investigator	5
United States of America	Legal Adviser/ Prosecutor	8
United States of America	Research Officer	1
United States of America	Projects Officer	1
United States of America	Political Adviser	1
Total		32

Activities

23. The Prosecutor's mandate is to investigate and prosecute persons, especially those in positions of authority or leadership, who were responsible for the planning and implementation of the most serious violations of international humanitarian law which have occurred in the former Yugoslavia since 1991. To accomplish this mission, the Office of the Prosecutor is composed of several sections: the immediate office of the Prosecutor and the Deputy Prosecutor, the Policy and External Relations Section, the Prosecution Section, the Investigation Section, the Legal Advisory Section and the Information and Evidence Section.

24. During 1996, there has been a major shift in focus towards the second aspect of the Prosecutor's mandate, i.e., the prosecution of accused persons. This has been occasioned by the arrest of several indicted accused, which has marked the commencement of the trial phase of the Tribunal's work. Inevitably, the advent of the prosecution stage requires a restructuring of the Office to meet the new demands.

25. From the commencement of the operations of the Office of the Prosecutor, reliance has been placed on the assistance of several individual Member States in the performance of the Prosecutor's dual mandate. This assistance has mainly been in the form of seconded staff, although there have been other forms of assistance, such as contributions to the trust fund. As of October 1996, there were 32 experts-on-mission assigned to the Office of the Prosecutor. It is tentatively estimated that this number may decrease in 1997 to a total of 23 seconded personnel, although the possibility exists that unanticipated additions or withdrawals may invalidate this projection.

Resource requirements

Staffing resources

26. The total required staffing resources of the Office of the Prosecutor are shown in table 7. The establishment of 1 P-3, 2 P-2/1 and 12 General Service (Other level) new temporary posts are proposed for 1997. Estimated requirements under the assessed budget for temporary posts for 1997 amount to $14,274,100 net. These requirements are detailed in the respective proposals for the six individual sections of the Office.

(i) Immediate office of the Prosecutor and the Deputy Prosecutor

27. The required staffing resources consists of existing staff resources of one Under-Secretary-General, one D-2, one P-4, one General Service (Principal level) and two General Service (Other level) temporary posts. No change is proposed for 1997.

(ii) Policy and External Relations Section

28. The restructuring of the Prosecutor's former secretariat would involve the creation of this new section to monitor events in the former Yugoslavia; to monitor and analyse policies adopted and actions taken by parties involved in

the conflict in the former Yugoslavia; to develop appropriate responses and strategies with respect to those policies; to monitor the cooperation of the parties with the Tribunal, and to identify instances or attempts by those parties to avoid their obligations and develop appropriate strategies accordingly. This section will also be responsible for maintaining relations between the Office of the Prosecutor and organizations such as NATO/IFOR, the Office of the High Representative, international agencies, non-governmental organizations and other similar institutions by obtaining information and intelligence, promoting the ability of the Prosecutor to conduct investigations, gathering evidence and securing the cooperation of those States and organizations.

29. The required staffing resources would take into account the following: existing staff resources of the temporary posts of one P-5, one P-4 and one General Service (Other level) and the redeployment of one P-4 from the Legal Advisory Section (formerly the Legal Services Section) and one P-3 from the Investigation Section.

30. In addition, the section is assisted by one seconded staff who provides assistance and advice on a wide range of issues. No other changes are proposed for 1997.

(iii) Prosecution Section

31. The required staffing resources consist of the following: existing staff resources of three P-5 and one General Service (Other level) temporary posts; and the redeployment of a total of seven temporary posts of which three P-2/1 and two General Service (Other level) temporary posts are from the former Legal Services Section and two General Service (Other level) temporary posts are from the Information and Evidence Section (formerly Information and Records Section).

32. In addition, one seconded person has been assigned to the Prosecution Section.

(iv) Investigation Section

33. The Investigation Section is composed of the investigation teams (the secretariat and nine teams), the Strategy Team and the liaison field operations offices (Zagreb, Sarajevo and Belgrade). The required staffing resources take into account the following: existing staff resources of 1 D-1, 4 P-5, 30 P-4, 34 P-3, 23 P-2/1 and 13 General Service (Other level) posts, and the proposed establishment of 1 P-3, 2 P-2/1 and 12 General Service (Other level) new temporary posts. The requirements have taken into account the redeployment of one P-3 from the Strategy Team of the Investigation Section to the Policy and External Relations Section.

34. Investigations secretariat/investigation teams. The required staffing resources take into account the existing staff resources of one Chief of Investigations (D-1) and three Investigations Commanders (P-5) for the secretariat; the existing resources of one Investigation Team Leader (P-4), two Team Legal Advisers (P-4), three Investigators (two P-3 and one P-2), one Research/Operations Officer (P-3), and one Analyst (P-2/1). One new temporary

General Service (Other level) post is proposed for a Data Entry Clerk for each of the nine investigation teams to cope with an increasing workload which to date has fallen behind, creating significant backlogs which are hindering the preparation of prosecution cases.

35. The investigative teams have been strengthened with the addition of a total of 27 seconded personnel who have provided investigative resources to each team.

36. Strategy Team. Following the redeployment of the posts of Special Adviser (P-3) to the Policy and External Relations Section and one Analyst (P-2/1) to the Sarajevo operations office, the resulting staffing resource requirements of this team are as follows: existing staff resources of one P-5, seven P-3 (one Legal Officer, three Investigators, one Intelligence Analyst, and two Research/ Operations Officers), and four P-2 (Intelligence Analyst) posts. One new temporary General Service (Other level) (Data Entry Clerk) post is proposed for the same reasons indicated above as regards new clerks for the investigation teams.

37. In addition, three seconded staff are currently assigned to the Strategy Team, performing the functions of a legal officer, an investigator and a research officer, respectively.

38. Administrative support to the Investigation Section. There is no change to the existing staffing resources of 10 General Service (Other level) posts of which 8 are secretarial posts and 2, administrative assistant posts. The team provides support to the Chief of Investigations, the nine Investigation Teams and the Strategy Team.

39. Liaison field operations offices. The opening of the Prosecutor's liaison mission posts in Zagreb, Sarajevo and Belgrade has been an important development and has increased the efficiency of the Prosecutor's operations and investigations in the field. The Zagreb and Belgrade offices are each currently staffed by an internationally recruited Head of Office (P-4) and a locally recruited secretary (General Service (Other level)). With increased freedom of movement in Bosnia, the number of investigation teams travelling to Bosnia has substantially increased. The practical arrangements to assist the investigators have grown accordingly. The Zagreb office has also been requested to assist with the transportation requirements of prosecution witnesses in and out of the mission area. Lastly, much of the planning for the exhumation of mass graves has taken place in Zagreb and staff have been tasked with assisting in the implementation of this major project. Accordingly, the establishment of the temporary posts of one P-2/1 (Operations Officer) and one General Service (Other level) (Driver) are proposed for the Zagreb office so that it may be fully supportive of the programme of trials planned for 1997.

40. Following the cessation of hostilities in Bosnia and Herzegovina and the deployment of IFOR troops, it was possible for the Prosecutor's staff to gain access to previously inaccessible areas, including Republika Srpska. The Prosecutor took a decision to enlarge the size of the liaison office in Sarajevo by deploying existing staff from the Investigation Section at The Hague. This was initially intended to be a temporary measure but it is now intended to regularize the position by seeking additional posts for the office. The

proposal to increase the size of the office on a permanent basis is based on the knowledge that the Prosecutor will not be able to maintain the existing investigations being undertaken at The Hague if, in effect, one of the nine investigation teams is relocated to Sarajevo.

41. Consequently, the resulting staffing resource requirements of this team are as follows: existing resources of one P-4 (Head of Mission), and one General Service (Other level) (Secretary); the redeployment of one P-2/1 (Operations Officer) from the Strategy Team. The establishment of the posts of one P-3 and one P-2 Investigator as well as one General Service (Other level) (Driver) is proposed so as to maintain operations in Sarajevo on a self-supporting basis and thereby allow a restoration of the Investigation Section at The Hague.

(v) Legal Advisory Section

42. Under the revised structure of the Office of the Prosecutor, three existing P-2/1 and two General Service (Other level) posts have been redeployed from this section to the Prosecution Section in order to consolidate resources for trial support, and the P-4 post for Legal Adviser for gender-related issues has been redeployed to the Policy and External Relations Section. The resulting staffing resource requirements consist of the existing resources of the temporary posts of one P-5, three P-3, and one General Service (Other level). No other changes are proposed for 1997.

(vi) Information and Evidence Section

43. In order to improve the efficiency, reliability and accessibility of information contained in the various collections of information, intelligence and evidence within the Office of the Prosecutor, the Information and Records Section was restructured in 1996 to comprise three units, namely, the Evidence Unit, the Information Support Unit and the Systems Development Unit. Accordingly, it has been renamed the Information and Evidence Section.

44. Following the redeployment of two existing General Service (Other level) temporary posts to the Prosecution Section, the required staffing resources consist of existing resources of 1 P-4, 2 P-3, 1 P-2/1 and 25 General Service (Other level) temporary posts. No other changes are proposed for 1997.

General temporary assistance

45. An amount of $30,000 is requested to provide for temporary assistance for replacements during periods of extended sick or maternity leave.

Consultants

46. With the expectation of dual court sessions per day during 1997, estimated resources of $115,000 are requested under this heading for the services of expert witnesses to assist with the prosecution of cases before the Court. Expert witnesses are specialists in their field and are called by the Prosecutor to give expert evidence before the Tribunal in relation to such matters as the general historical, political and military context of the conflict in the former Yugoslavia. Experience gained since the onset of trial proceedings has

demonstrated that the amount of resources requested for 1996 to retain the services of expert witnesses was insufficient.

Overtime

47. A provision of $7,000 is requested to cover the overtime requirements.

Official travel

48. Total estimated resources of $2,227,800 under this heading would provide for:

(a) Travel for investigations ($1,620,000). Travel for the purpose of conducting investigations will remain a vital component of the investigations undertaken by the Office of the Prosecutor. It is essential for investigation teams to travel to where the evidence is located in order to secure it before it is lost and to interview and record witness testimony, which continues to be the overwhelming bulk of evidence in prosecution cases. In addition, since freedom of movement resulting from the Dayton Agreement has increased, the mobility of investigators has also increased and has meant that new geographic areas are accessible to investigators. In particular, the discovery of many mass grave sites has meant that investigators will continue to examine many more sites than the number finally exhumed;

(b) Travel for witness proofing ($540,000). While the number and scope of investigations increased in 1996, the prosecution phase also began. The start-up of the trial phase has meant a sharp increase in the number of witnesses needed to be proofed in preparation for giving evidence at the trials. Witness proofing involves travel of a Prosecuting Trial Attorney and an interpreter to the witness in order to prepare the witness for the purpose of giving evidence. This activity is, as often as possible, carried out when the witness arrives at The Hague to testify. However, a certain amount of witness proofing must also be done where the witnesses reside;

(c) Other travel ($67,800). The Prosecutor, the Deputy Prosecutor and senior staff will be required to maintain high-level contacts with cooperating Governments, including those in the former Yugoslavia, to ensure efficient implementation of activities and projects both in the former Yugoslavia and at The Hague where those projects involve cooperation and assistance from other intergovernmental organizations. It is estimated that an amount of $30,000 will be required to cover the associated travel costs in connection with these activities. As of 31 July 1996, the International Criminal Tribunal for Rwanda has issued 10 indictments and has commenced its first trial. In order to ensure consistency in the development of the legal policies and procedures of both Tribunals, the Prosecutor initiated an indictment review procedure whereby two attorneys from the Rwanda Tribunal attend Yugoslavia Tribunal indictment reviews at The Hague and two attorneys from the Yugoslavia Tribunal would attend Rwanda Tribunal indictment reviews in Kigali. Additional requirements of $37,800 would be required for the travel costs of two attorneys to attend five meetings in the implementation of this procedure in 1997.

C. The Registry

Table 8. Summary of expenditures by object of expenditure

(Thousands of United States dollars)

A. Assessed budget

Object of expenditure	(a) 1994-1995 expenditure	(b) 1996 appropriation	(c) 1996 appropriation at full cost	(d) Resource change (e) - (c)	(e) 1997 estimated requirements
Temporary posts	5 637.0	9 092.0	11 757.9	1 082.5	12 840.4
Temporary assistance for meetings	65.3	191.7	191.7	(83.6)	108.1
General temporary assistance	65.6	684.0	684.0	93.2	777.2
Overtime	249.5	100.0	100.0	100.0	200.0
Consultants and experts	49.1	30.0	30.0	-	30.0
Travel	504.8	693.0	693.0	189.2	882.2
Contractual services	3 155.5	3 950.0	3 950.0	2 264.2	6 214.2
Hospitality	0.7	2.9	2.9	-	2.9
General operating services	5 741.2	4 251.4	4 251.4	2 274.1	6 525.5
Supplies and materials	599.4	910.7	910.7	565.5	1 476.2
Furniture and equipment	3 414.6	1 288.0	1 288.0	1 528.5	2 816.5
Alterations and improvements to premises	-	-	-	2 623.9	2 623.9
Total	19 482.7	21 193.7	23 859.6	10 637.5	34 497.1

B. Extrabudgetary resources

Object of expenditure	1995 expenditures	1996 estimates	1997 estimates
Temporary posts	-	33.4	171.3
General temporary assistance	-	72.5	110.2
General operating expenses	-	52.9	288.0
Supplies and materials	-	33.0	55.7
Furniture and equipment	-	400.0	680.7
Total	-	591.8	1 305.9

Table 9. Temporary post requirements for 1997

A. Assessed budget

Category	1996	1997	Increase/ (decrease)
Professional category and above			
ASG	1	1	-
D-2	-	-	-
D-1	2	2	-
P-5	3	3	-
P-4	19	19	-
P-3	27	28	1
P-2/1	15	15	-
Total	67	68	1
General Service and other categories			
General Service (Principal level)	5	5	-
General Service (Other level)	51	62	11
Security Service	47	56	9
Total	103	123	20
GRAND TOTAL	170	191	21

B. Extrabudgetary resources

Category	1995	1996	1997
P-3	-	1	1
General Service (Other level)	-	2	2
Total	-	3	3

C. Gratis personnel as at 31 October 1996

Contributor	Function	Number of personnel
Coalition for International Justice	Attorney	1
European Commission, through the International Commission of Jurists	Legal Assistant	11
Total		12

Activities

49. The Registry is one of the three constituent organs of the Tribunal and is responsible for the administration of the Tribunal as well as the establishment and servicing of the judicial infrastructure of the organization. The functions of the Registry generally fall under two main areas of responsibility: judicial management (Judicial Support Services); and administrative and financial support (Administrative Services). The overall work programme of the Registry is coordinated by the Office of the Registrar.

(i) Judicial management

50. Under the direction of the Deputy Registrar, Judicial Support Services is responsible for managing courtroom operations, provision of legal aid through the assignment of defence counsel to indigent accused, supervision of the Tribunal's Detention Unit, recommending protective measures and provision of counselling and support to victims and witnesses and maintaining contacts with Member States. The functions of Judicial Support Services are managed through four distinct units: Defence Counsel; the Detention Unit; the Victims and Witnesses Unit; and the Court Management and Support Services.

51. Defence Counsel. During the eleventh plenary session, held in June 1996, the judges of the Tribunal, in addressing a number of concerns raised by the assigned defence counsel, adopted amendments to articles 18, 25 and 26 of the Directive on Assignment of Defence Counsel. The amendment to article 18 provided for coverage by the Tribunal of all or part of the costs and expenses of legal representation of the suspect or accused if such expenses cannot be borne by the suspect or the accused because of his/her financial situation. The amendment therefore recognizes the principle of non-discrimination against those unable to afford the high costs involved in litigation under the conditions specified in article 18 of the Directive. Article 25 of the Directive, as amended, would base remuneration, as in the United Nations system, on seniority. A scale has been introduced to calculate the appropriate fees, with one scale for lead counsel and a fixed rate for co-counsel, reflecting their respective responsibilities. The third amendment, which relates to article 26, provides for daily subsistence allowance rates in conformity with the rules of the United Nations on daily allowances.

52. In addition to the above amendments, two new rules of procedure and evidence were recently adopted concerning, inter alia, provisional detention of suspects (rule 40 bis) and the transfer of detained witnesses (rule 90 bis).

53. Detention facilities. As of 31 October 1996, the detention facility holds 7 accused although as of 31 July 1996, it had held a total of 11 accused persons. While it is difficult to predict the exact number of indicted individuals that would be surrendered to the Tribunal during 1997, it is anticipated that the facility will reach full occupancy during 1997.

54. Protection of victims and witnesses. During 1996, 92 witnesses from numerous countries have been brought to The Hague by the Victims and Witnesses Unit to appear in four hearings under rule 61 of the Rules of Procedure and Evidence as well as in the Tribunal's first trial which involves some 100

witnesses alone. An amendment to rule 75 of the Rules of Procedure and Evidence enables the Unit itself, in addition to a witness or the parties concerned, to request a judge or a Trial Chamber to order appropriate measures for the privacy and protection of witnesses.

55. During 1996, a number of policies for the support and protection of witnesses were put in place, including the establishment of strict criteria for the provision of child care and other support services as well as the preparation of guidelines for the reimbursement of lost earnings, so as to ensure that witnesses are not financially penalized as a result of testifying at the Tribunal.

56. Court management and support services. A detailed description of these services was provided in paragraphs 69 and 70 of the report of the Secretary-General on the financing of the Tribunal at the forty-ninth session (A/C.5/49/42).

(ii) Administrative services

57. Under the authority of the Chief of Administration, the International Tribunal is provided with administrative support, including financial administration and resource planning, human resources management, language, meetings and documentation services, and library services, as well as the use of common services to support the implementation of the work programme, including electronic support and communications and building management services.

Resource requirements

Staffing resources

58. The total required staffing resources of the Registry take into account the following: existing staff resources of 1 ASG, 2 D-1, 3 P-5, 19 P-4, 27 P-3, 15 P-2/1, 5 General Service (Principal level), 51 General Service (Other level) and 47 Security Service (SS) posts; the upward reclassification of 1 P-2/1 post to the P-3 level and 1 SS post to General Service (Principal level) and the downgrading of 1 General Service (Principal level) to a General Service (Other level) post; and the establishment of 1 P-2, 10 General Service (Other level) and 10 SS new temporary posts. The resulting staffing table for 1997 appears as table 9.A above. Estimated requirements for posts for 1997 amount to $12,840,400 net.

(i) Office of the Registrar

59. The required staffing resources take into account the existing staff resources of one ASG and one General Service (Other level) post.

60. In addition, one seconded staff provides legal assistance to the Registrar.

61. Press and Information Office. There is no change to the existing requirements of one P-4, one P-2/1 and two General Service (Other level) posts.

62. The resources of this Office are further strengthened by the services of a seconded Legal Assistant provided under the existing arrangement with the International Commission of Jurists.

63. Security and Safety Services. Commencing in 1997, the Tribunal will take over the remaining two thirds of the Aegon building. In this connection, Security and Safety Services not only will be responsible for maintaining security within the enlarged premises but will also be given the added responsibility of the fire control board and enforcement of fire safety regulations which previously were the responsibility of the Aegon Insurance Company. On the basis of existing experience, taking into account the requirements of providing complete on-site security for premises and staff, significant additional resources will be required commencing in January 1997.

64. In this regard, the required staffing resources take into account the following: existing staff resources of 1 P-4, 1 General Service (Other level) and 47 SS posts; the upward reclassification of 1 SS post to General Service (Principal level) and the establishment of 10 new SS posts. The resulting staffing table for 1997 will therefore consist of the following: 1 P-4, 1 General Service (Principal level), 1 General Service (Other level) and 56 SS posts.

65. Legal support. There is no change in the existing staffing table of this office, which consists of two P-5 and two P-4.

(ii) Judicial Support Services

66. Judicial Support Services is headed by the Deputy Registrar (D-1), who is assisted by a secretary (General Service (Other level)). In addition, seconded personnel provide assistance with judicial management.

67. The functions of Judicial Support Services are managed through four distinct units and staffing resource requirements for each of these are maintained at the same level as that approved for 1996, with the exception of Court Management and Support Services where the establishment of one General Service (Other level) post is proposed for a Court Records Clerk, thus providing additional administrative and legal support. The staffing table composition is therefore as follows: Defence Counsel: one P-3 (Legal Officer/Coordinator) and one General Service (Other level) (Administrative Assistant); Detention Unit: one P-3 post for the Commanding Officer of the Unit; Victims and Witnesses Unit: one P-4, two P-3, one P-2/1 and one General Service (Other level); and Court Management and Support Services: existing resources of two P-2/1 and four General Service (Other level) posts and the establishment of one additional General Service (Other level) post.

(iii) Administrative services

68. The required staffing resources for the office of the Chief of Administration, Administrative Services, take into account existing staff resources of the temporary posts of one D-1 and one new General Service (Other level).

69. General Services Section. The staffing resources take into account the following: existing staff resources of one P-4, one P-3, one P-2/1, one General Service (Principal level) and 16 General Service (Other level); and the establishment of five new General Service (Other level) posts.

70. For 1997, plans are being developed for the construction of a second courtroom and court facilities to accommodate the two Trial Chambers and the Appeals Chamber, the reconstruction of the cafeteria (currently located in the space to be occupied by the second courtroom) and building/security separation between the Tribunal and an anticipated sub-tenant. Also, in January 1997, Aegon will vacate the premises and will no longer be responsible for the administration of various maintenance service contracts or the catering contract. The administration of these services will thus become an added responsibility for the Tribunal. Two General Service (Other level) posts are therefore proposed for the Buildings Management Unit: one for a second Maintenance Supervisor and the other for a Cleaning/Housekeeping/Catering Assistant.

71. With the proposed construction and alteration projects of the Tribunal, it is anticipated that the associated work of the Procurement Unit will exceed its current workload capacity with a staff of one Professional and one General Service post. In this regard, a new temporary General Service (Other level) post for a Procurement Assistant is proposed for 1997 to supplement the resources of the unit.

72. A General Service (Other level) post is requested for an additional Travel/Traffic Clerk to supplement the current staffing resources of the Travel and Traffic Unit, which currently comprises one General Service staff. The volume of work for the unit has increased in the light of substantial rise in travel involving investigations and witnesses. The unit handles the air ticket reservations, cancellations and changes in scheduling, ground transportation including car rentals, trains, taxis, as well as hotel accommodations.

73. For 1997, an additional Mail/Pouch Clerk post would be established within the Property Control, Inventory/Mail and Pouch Unit. While the volume of mail passing through the unit is normally heavy, peak periods occur, particularly when the Press and Information Office must carry out sizeable mailings both before and after hearings and decisions of the Chambers. With increased Chamber activity in 1997, it is foreseen that the volume of mail service will increase correspondingly. Given that the unit is responsible for property control and inventory and mail, the functions of the unit cannot adequately be performed by one staff.

74. Electronic Support and Communications Service. Following the reclassification of one P-2/1 post (Communications Coordinator) to P-3 and one General Service (Principal level) post to General Service (Other level) and the establishment of one P-2/1 (Communications Officer in Sarajevo) and three General Service (Other level) (Telecommunications Clerk, Communications Field Assistant and Administrative Clerk), the required staffing resources for this service are as follows: 1 P-4, 2 P-3, 2 P-2/1, 3 General Service (Principal level) and 17 General Service (Other level) posts.

75. A new temporary P-2/1 post of Communications Officer is proposed, to be assigned to the Sarajevo field office. With the expected departure of the United Nations peacekeeping missions in the former Yugoslavia in mid-1997, the Tribunal will need to install its own satellite earth station infrastructure in all three field offices. Accordingly, the new post of Communications Officer would be assigned the task of addressing all issues of installation, operation and maintenance of communications assets in the three field offices.

76. The proposed reclassification of the Communications Coordinator post takes into consideration the increased level of responsibilities of the position owing to increased support for the provision of satellite-based communications between offices of the Yugoslavia Tribunal at The Hague, Zagreb and Sarajevo, the United Nations in New York, and the Rwanda Tribunal in Arusha. The acquisition of additional space in the Aegon building will also require expansion of communications facilities and services to provide administrative resources in support of prospective subtenant(s) for the building. The downward reclassification to the General Service (Other level) level of one existing General Service (Principal level) post of LAN Administrator reflects the established classification of the post.

77. Two new General Service (Other level) posts are requested, for a Communications Clerk within the Communications Support Unit and a Communications Technician to be assigned to the operations office in Sarajevo. The post of Communications Clerk is proposed in order to reinforce the unit's administrative capability in the areas of procurement, products and services research, billing and inventory tracking. The Communications Technician post is requested with a view to providing essential support in the installation, operation and maintenance of communications equipment in the field. Finally, a new temporary General Service (Other level) post is required for an Administrative Clerk to provide clerical support to the Chief of Section and in support of the section in general. The current structure of the section does not provide for such services.

78. Library and Reference Services. The required staffing resources for 1997 consist of two existing posts of one P-3 and one General Service (Other level).

79. Language and Conference Services. The required staffing resources take into account existing staff resources of 1 P-5, 10 P-4, 19 P-3, 8 P-2/1, 3 General Service (Other level) posts and the establishment of one new General Service (Other level) post. With the increase in the workload of the section, an additional Text-processing Clerk with knowledge of Bosnian/Croatian/Serbian would facilitate the work of translators, especially as the volume of video and audio material for transcription and translation has increased.

80. Budget and Finance Services. No change is proposed in 1997 to the existing staff resources of one P-4, one P-3 and four General Service (Other level) posts.

81. Personnel Services. No change is proposed in 1997 to the existing staff resources of one P-4 and two General Service (Other level) posts.

Temporary assistance for meetings

82. Estimated requirements of $108,100 would provide for the recruitment of additional French, English and Bosnian/Croatian/Serbian translators ($55,400) and conference interpreters ($52,700) during peak workload periods pertaining to courtroom activities, plenary sessions of the judges and hearings that require simultaneous interpretation for witnesses or amici curiae in languages other than the working languages of the Tribunal.

General temporary assistance

83. Estimated resources of $777,200 are requested to recruit short-term field interpreters for investigative missions ($482,200) and witness proofing ($196,100) and to service the requirements of the Registry for replacement of staff on annual, sick or maternity leave and during peak workload periods ($98,900).

Consultants and experts

84. Provision of $30,000 is proposed for 1997. This relates to the conversion of the structured database application to a client/server system at the Office of the Prosecutor ($20,000) and assessment of the requirements for a legal support system for implementation of the Registry procedures ($10,000).

Overtime

85. Provision of $200,000 is proposed for overtime requirements of the Registry in order to maintain critical functions that must be performed by existing personnel.

Travel

86. Total estimated resources of $882,200 under this heading would provide for:

(a) Travel of victims and witnesses ($797,100). For 1997, it is anticipated that 300 victims and witnesses would travel to The Hague for purposes of hearings and trials. Anticipated travel and related expenses relate to transportation ($300,000), accommodation ($402,800) and daily subsistence allowance ($94,300). This estimate is conditioned on there being no more than 300 witnesses. Should conditions require larger numbers of witnesses, related costs would rise proportionately;

(b) Other travel ($85,100). The provision would cover estimated requirements for the Registrar and his/her staff for consultations at United Nations Headquarters and attendance at meetings of the General Assembly, meetings with officials from Member States and national and international judicial organizations, and press meetings, seminars and conferences ($34,100), as well as travel of staff members of the Victims and Witnesses Unit ($51,000) to coordinate arrangements for support and protection of witnesses.

Contractual services

87. Total estimated resources of $6,214,200 under this heading would provide for:

(a) Contractual translation ($85,700). In order to reduce in-house translation backlog, the Tribunal outsources the translation of non-confidential documents such as books or articles;

(b) Verbatim reporting ($1,442,400). Operational requirements relate to the hire of English and French verbatim reporters for court sessions and hearings;

(c) Defence counsel ($3,332,200). Estimated requirements relate to the provision of counsel to suspects and the accused in accordance with the Directive on Assignment of Defence Counsel and amendments thereto adopted by the judges of the Tribunal during the eleventh plenary session, held in June 1996. The proposed amount would cover the remuneration of assigned defence counsel and co-counsel ($2,377,440), travel costs ($45,500) and support costs of defence counsel and co-counsel assigned to represent suspects and defend the accused ($909,290). The estimates are premised on holding three trials involving eight accused persons. Should conditions permit more trials or the involvement of additional accused, related costs would rise proportionately;

(d) Detention facilities ($878,100). The provision is proposed for the services of detention facility guards to supervise the operation of 24 cells on a round-the-clock shift basis;

(e) Training ($129,700). Estimated resources under this heading would provide for costs of training seminars in the areas of courtroom operations, computer operations support and computer training programme support;

(f) External printing ($142,200). Estimated resources would provide for production of The Annual Report, The ICTY Yearbook and a second printing of Basic Documents as well as stationery including letterhead and envelopes ($54,900); and external map and photographic reproduction services for the Office of the Prosecutor ($87,300);

(g) Data-processing services ($201,200). Estimated resources would provide for leased line costs and provider's fees for Internet access ($8,200), subscription costs for CD-based information sources ($13,000) and a 12-month subscription to the Lexis-Nexis legal database service ($180,000), an on-line legal research resource utilized to assist in numerous aspects of case preparation and handling;

(h) News agency services ($2,700). Estimated resources would be required to maintain existing subscriptions to Associated Press and Agence France-Presse news agency services.

Hospitality

88. An amount of $2,900 is requested for official functions and hospitality.

General operating expenses

(i) Rental and maintenance of premises ($4,715,400)

89. International Tribunal (Aegon building). The International Tribunal currently occupies 7,200 square metres of office space, courtroom and other facilities. Commencing 1997, the Tribunal will assume responsibility for the entire building, approximately 19,529 square metres of office and courtroom space, as well as an underground parking facility that can accommodate 335 vehicles. The annual rent of this facility for 1997 will amount to 4,230,730 Netherlands guilders ($2,417,600). The Tribunal is currently endeavouring to locate a subtenant for surplus office space to commence in 1997. A recently completed space allocation plan indicates approximately 5,700 square metres of available space. Tenants are being sought and the host Government has also been notified of space availability. To date, the Tribunal has conducted four meetings (site visits) with one potential subtenant.

90. The lease also provides for the repayment of construction costs defrayed by the landlord on behalf of the Tribunal for the construction of the courtroom and for the installation of interior partitions. This construction was undertaken and completed in 1995. The repayments on the courtroom construction costs will continue until 1998 while payments for the partitions will continue for the full length of the lease (12 years). The annual payments amount to f.1,276,628 ($729,500) and f.58,125 ($33,200) respectively.

91. In addition, the lease also calls for the payment of utility costs. While such costs are prorated according to the percentage of space occupied, given that the Tribunal will assume full occupancy of the premises in 1997, the total utility costs will be payable by the Tribunal. These costs are estimated to amount to f.610,850 ($349,100).

92. Detention Facility. Additional resources must also be provided for the lease costs of the Detention Facility. The annual rent of the 24-cell facility amounts to f.512,000 ($292,600). The facility also provides for meals and services for detainees at a rate of f.50 per day for each detainee. For 1997, it is assumed that the facility will be 100 per cent occupied. Accordingly, the 1997 costs are estimated at f.438,000 ($250,300).

93. Field offices. The International Tribunal has established three field offices, in Zagreb, Sarajevo and Belgrade. For 1997, the rental of the Sarajevo premises will amount to $101,700 and includes the rental of 420 square metres of office space and associated costs. The office space in Zagreb is currently being provided to the Tribunal by the United Nations Peace Forces (UNPF). However, in 1997, the Tribunal would be required to seek alternative accommodation. The estimated cost of space rental, office cleaning and utilities for the Zagreb facility as well as for the newly opened field office in Belgrade is $37,700.

94. Cleaning of facilities. Commencing in 1997, the Tribunal will become responsible for a total of 20,529 square metres of space (including 1,000 square metres at the Detention Facility). However, the Tribunal plans to occupy a

total of only 13,524 square metres, as well as 1,000 square metres at the Detention Facility. Cleaning costs for this area are estimated at $212,700.

95. Maintenance of premises. Requirements for total cost of building maintenance are estimated at f.509,177 ($291,000).

(ii) Alterations and improvements to premises ($2,897,800)

96. Second courtroom. It is anticipated that primary and appellate cases will be conducted simultaneously, thus necessitating a second court facility. Furthermore, with the current number of cases pending before the Tribunal, the availability of only one courtroom hampers the operations of the three Chambers. The total cost of the construction is estimated at $3,517,000. However, it is further estimated that only 70 per cent of courtroom construction will be completed in 1997, necessitating a provision of $2,403,900.

97. Cafeteria eating area. Owing to the configuration of the Tribunal headquarters building, the proposed location of the second courtroom will be in the current eating area of the cafeteria. A conceptual plan has been developed to construct a new cafeteria eating area on what is presently an exterior balcony. The plan allows for the continued use of the existing food preparation/service area, resulting in considerable cost savings. The estimated cost for the construction is f.385,000 ($220,000).

98. Other minor alterations and improvements. Provision is proposed for the construction of a Cashier's office ($10,000), a master-key door system ($36,000), an extension of the security garage ($39,400), separation of Tribunal from subtenant premises ($71,400), movement of the fire control panel ($25,700), rebuilding of the video control room ($34,300) and construction of a second, secure exterior exercise yard for detainees and a meeting room for detainees at the Detention Facility ($57,100).

(iii) Other general operating costs ($1,536,200)

99. Provision is made for rental of general office copiers and high-volume network printer equipment ($277,700), maintenance of furniture and equipment ($310,800), communications ($645,900), mail and pouch services ($65,900), local transport costs including rental of vehicles ($17,700), insurance ($46,900) and miscellaneous services ($171,300).

Supplies and materials

100. Estimated requirements of $1,476,200 relate to the purchase of expendable office supplies, reproduction paper, audiovisual, data-processing and communications equipment supplies, guard uniforms and supplies for maintenance of premises.

Acquisition of furniture and equipment

101. Estimated resources of $2,816,500 would provide for:

(a) Acquisition of office automation equipment ($625,000). Resources are required for the cost of hardware acquisition, including additional workstations ($67,600), computer hardware upgrades and spares ($127,300), network infrastructure extension materials for coverage of the new building space, including cabling and hub equipment ($250,000), 10 portable computers in support of investigations ($57,000), 13 printers ($30,100), network data backup equipment of four tape jukeboxes ($88,000) and inventory tracking equipment ($5,000);

(b) Acquisition of software packages ($286,900). Estimated requirements include 26 copies of standard, workstation pre-loaded, office automation software ($14,300), upgrades for existing office automation software ($138,300), purchase and re-licensing of the Sun Systems and Progen software, including purchase of Progen professional payroll programme ($75,100), additional software licences and GIS software for the Office of the Prosecutor ($8,000), network management software ($29,200), Lotus Notes licences ($17,000) and applications development software ($5,000);

(c) Communications equipment ($761,000). Resources would provide for the purchase of 10 encrypted Motorola GP300 radios ($19,500) for 10 proposed new Security Officers, installation of satellite earth stations at the three field offices upon conclusion of United Nations peacekeeping operations ($555,000), and for two Motorola 9600 Secure Telephones and two Secure-ready facsimile machines ($25,000). Additionally, the acquisition of extra space in the Aegon building and the likelihood of sub-leasing extra space to a subtenant will require the purchase of 25 additional expansion cards for the PABX as well as for 400 additional telephone sets ($161,500);

(d) Audiovisual equipment ($891,700). Resources would provide for the purchase of witness/suspect recording equipment ($50,100), a video editing suite ($114,300), video converters ($1,800), additional VCRs and TV monitors ($59,300), BetaCam and Hi8 recording cameras and accessories ($68,600), computer-based audio hard-disk recording systems ($40,000), audio distribution systems ($57,100), trolleys and cases for transport of AV equipment ($171,400) and miscellaneous accessories ($25,100). Additional requirements ($304,000) relate to purchase of equipment to improve the audiovisual services provided by the existing courtroom. Equipment proposed to be purchased includes three digital BetaCam recorders, a video player, video/audio mixing equipment, network interface cards, video cards, keyboard/monitor/mouse extenders, a master workstation and backup display station, and scanning stations;

(e) Security and safety equipment ($48,000). Estimated requirements would provide for weapons and ammunition ($9,600), refurbishment of medical supplies ($4,700), 10 additional personnel lockers ($2,200), protective equipment for the detainee response team ($3,700) and fire equipment and protective clothing ($27,800);

(f) Acquisition of office furniture ($203,900). Resources are required for the acquisition of office furniture. Furthermore, there will be a need to purchase furniture and fixtures for the cafeteria, including equipment and utensils, and furniture for the second courtroom and the public gallery.

IV. CONCLUSIONS

102. On the basis of the proposals detailed in the preceding paragraphs, it is estimated that resources in the amount of $53,475,800 (net) will be required for the operation of the International Tribunal for the former Yugoslavia in 1997. An additional amount of $5,387,700 would be required for staff assessment, to be offset by income from staff assessment of the same amount. The General Assembly may wish to finance the amount of $53,475,800 net ($58,863,500 gross) by use of the cost-sharing formula followed in previous years, whereby $26,737,900 would be chargeable to credits arising from the budget of the United Nations Peace Forces and the balance of $26,737,900 would be assessed in accordance with the scale of assessments, for the year 1997.

103. Commitment authority is sought in the amount of $2,494,600 in respect of construction and equipment costs for the second courtroom. A matching appropriation in respect of this amount would subsequently be sought for the year 1998 as such funds would not be required for disbursement until 1998.

Notes

[1] Rule 61 of the Rules of Procedure and Evidence is entitled "Procedure in case of failure to execute a warrant"; Tribunal document IT/32/Rev.9; see also Human Rights Law Journal, vol. 15, No. 1-2, p. 38.

Annex I

VOLUNTARY CONTRIBUTIONS

1. The General Assembly, in its resolution 49/242 B of 20 July 1995, invited Member States and other interested parties to make voluntary contributions to the International Tribunal for the former Yugoslavia that were acceptable to the Secretary-General. To date, cash and in-kind contributions totalling $9,787,611 have been received, excluding the cost of staff and experts on loan from Governments and international organizations and institutions.

2. Under an agreement with the International Tribunal, donors provide personnel to the Tribunal on a non-reimbursable basis. Under the terms of these agreements, the donor undertakes to pay all expenses in connection with the assignment to the Tribunal of the loaned personnel, including salaries, daily subsistence allowances, medical and life insurance coverage (as well as insurance for service-related illness, disability or death, with extended war-risk insurance coverage) and round-trip travel from their respective countries. The donor is also responsible for any claim brought by third parties for damages, injury or death as a result of any act or omission by the personnel on loan, during the performance of duties on behalf of the United Nations.

3. The United Nations is not responsible for any expenses in relation to the loan of personnel by the donor, with the exception of the provision of office space, furniture and equipment as well as other facilities necessary for the performance of the services required, including the cost of any travel and other related expenditures incurred on official business for the United Nations. As of 31 October 1996, there are 55 seconded staff assigned to the Tribunal, comprising 32 experts-on-mission assigned to the Office of the Prosecutor, 11 legal assistants and one attorney assigned to the Registry and 11 legal assistants assigned to the Chambers, all of whom require support. In this connection, it is estimated that the associated costs of supporting seconded personnel for 1996 would amount to $698,500. Under existing policy, acceptance of voluntary contributions is conditional on the understanding that the contribution does not result in any financial liability for the United Nations. Consequently, indirect costs to the United Nations of accepting contributions, including seconded personnel, must be met by a charge of programme support costs on the contribution of each donor organization.

4. In addition to the seconded personnel, as of 31 October 1996, 15 interns are participating in the Tribunal's internship programme. Currently, these interns are all assigned to the Office of the Prosecutor and provide research and drafting assistance in matters relating to criminal law, international humanitarian law and human rights.

5. The status of voluntary contributions to support the activities of the International Tribunal, as of 31 October 1996, is detailed below:

A. Cash contributions

Status of cash contributions to the Voluntary Fund

(United States dollars)

17 February 1994	Pakistan	1 000 000
11 March 1994	Hungary	2 000
17 March 1994	Spain	13 725
24 March 1994	Liechtenstein	2 985
29 March 1994	Namibia	500
31 March 1994	Canada	168 280
26 April 1994	Ireland	15 000
10 May 1994	Malaysia	2 000 000
17 May 1994	Ireland	6 768
24 June 1994	New Zealand	14 660
27 July 1994	Cambodia	5 000
18 October 1994	Italy	1 898 049
10 January 1995	Switzerland	75 758
4 April 1995	United States of America	700 000
7 April 1995	Denmark	183 368
28 April 1995	Canada	171 202
12 May 1995	Chile	5 000
19 May 1995	Israel	7 500
7 July 1995	Norway	50 000
5 January 1996	Slovenia	9 960
12 February 1996	Slovenia	40
30 April 1996	Canada	366 816
	Total	6 696 611

B. Personnel

6. As of October 1996, contributions in the form of the loan of 32 staff have been received from the United States of America (16 staff), the Netherlands (4), Denmark (1), Norway (2), Sweden (2), Finland (1), Italy (1), South Africa (1), Switzerland (1) and the United Kingdom of Great Britain and Northern Ireland (3). These staff continue to assist the Office of the Prosecutor with investigations and act as legal and expert advisers. Currently, 30 experts are

assigned to the Investigation Section, 3 in the Strategy Team and a total of 27 distributed over the nine investigation teams. The remaining two experts work in an advisory capacity in the Prosecution Section (1) and the Policy and External Relations Section (1).

7. In addition, the European Commission, through the International Commission of Jurists, has provided 22 seconded staff who serve as legal assistants to the International Tribunal. The secondees provide legal support to the judicial and administrative operations of the Tribunal as well as provide a learning environment for young qualified lawyers. Eleven assistants are assigned to the Chambers for the purpose of legal research and assistance, 10 to the Registry to assist with judicial management and 1 to the Press and Information Office. The current agreement between the International Tribunal and the International Commission of Jurists expires on 30 June 1997; however, in the light of the success of the programme, it is expected that the current arrangement will continue to be supported by the European Commission and extended for a further period of 12 months.

8. In addition, one attorney has been provided to the Registry by the Coalition for International Justice. The attorney provides legal assistance to the Registrar and seeks and coordinates support for the Tribunal from interested non-governmental organizations.

9. A further request was made to the European Commission, through the International Rehabilitation Council for Torture Victims, concerning the provision of personnel and related resources for the protection, counselling and support of victims and witnesses. Negotiations between the Council and the International Tribunal are continuing and it is anticipated that resources in the amount of $231,650 will be provided for this purpose during 1996-1997.

C. Equipment

10. During 1996, a number of Member States, organizations and companies made additional contributions of equipment to the International Tribunal. The Government of the United Kingdom of Great Britain and Northern Ireland contributed three 4 x 4 vehicles to the International Tribunal to be used for operational requirements in the field, such as investigations and liaison with victims and witnesses (approximate value of $67,600). A further six 4 x 4 vehicles were donated by the Government of France ($192,300). Five of the vehicles were delivered to the former Yugoslavia for use by Tribunal staff operating in Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia. The remaining vehicle was delivered to The Hague and is primarily used by the Victims and Witnesses Unit to meet its local transportation requirements.

11. In addition, the Government of France donated video-delay equipment to the Tribunal, valued at $240,400. The provision of this equipment will allow the Tribunal to broadcast trials with a limited time delay so as to protect certain witnesses and allow the Tribunal to consider requests for the redaction of testimony. Other contributions include the provision of court reporting system

software (valued at $4,000) by Discovery Products and a 12-month subscription to Lexis-Nexis donated by the Open Society Institute ($100,000).

12. During 1994-1995, contributions in kind amounting to $2,486,700 were received. A detailed description of such contribution was provided in paragraph 136 of the report of the Secretary-General on the financing of the Tribunal for 1996 (A/C.5/50/41).

D. Use of voluntary contributions

13. From the commencement of the operations of the International Tribunal, reliance has been placed on the assistance of a number of gratis personnel provided by individual Member States to assist in the performance of the Prosecutor's mandate under the Statute of the Tribunal.

14. The assistance provided to the Prosecutor by the experienced seconded investigators and lawyers in conducting investigations and the preparation of briefs of evidence has, in the absence of a full complement of staff, been critical. The results achieved already by the Office of the Prosecutor would not have been possible without that assistance. Future needs will be addressed after the General Assembly has reviewed the policy issues relating to gratis personnel.

15. In the previous report on the financing of the International Tribunal (ibid.), the Secretary-General referred to the guidelines for the use of voluntary contributions, under which funds should be used to support specific project-related objectives. In this regard, resources from voluntary contributions continue to be utilized to fund the establishment of a reference library, a computerized archiving system and a court case document management and presentation system. In addition, voluntary contributions have been used to fund mobile suspect recording equipment and videotape transcription equipment. Extrabudgetary resources will also be used to provide for a remote video conferencing system to present and document the evidence of key witnesses unable to travel to The Hague.

16. In early 1996, following the developments in the region of the former Yugoslavia, including the implementation of the Dayton Peace Agreement, the Prosecutor determined the need to redeploy an investigative team from The Hague to carry out investigations in the field, to be located in Sarajevo. With the utilization of voluntary funds, the International Tribunal was able to establish an enlarged presence in Sarajevo that has provided the Prosecutor with the necessary support and investigative resources to pursue his mandated objectives in the region.

17. In 1996 also, the International Tribunal commenced and completed the forensic exhumations of seven sites: six in Bosnia and Herzegovina (Republika Srpska) and one in Croatia. Resource requirements for these operations (excluding staff costs) were fully met from voluntary contributions.

18. Victim and witness assistance is another component of the Tribunal's operations that will require full financial support. During 1996, witness

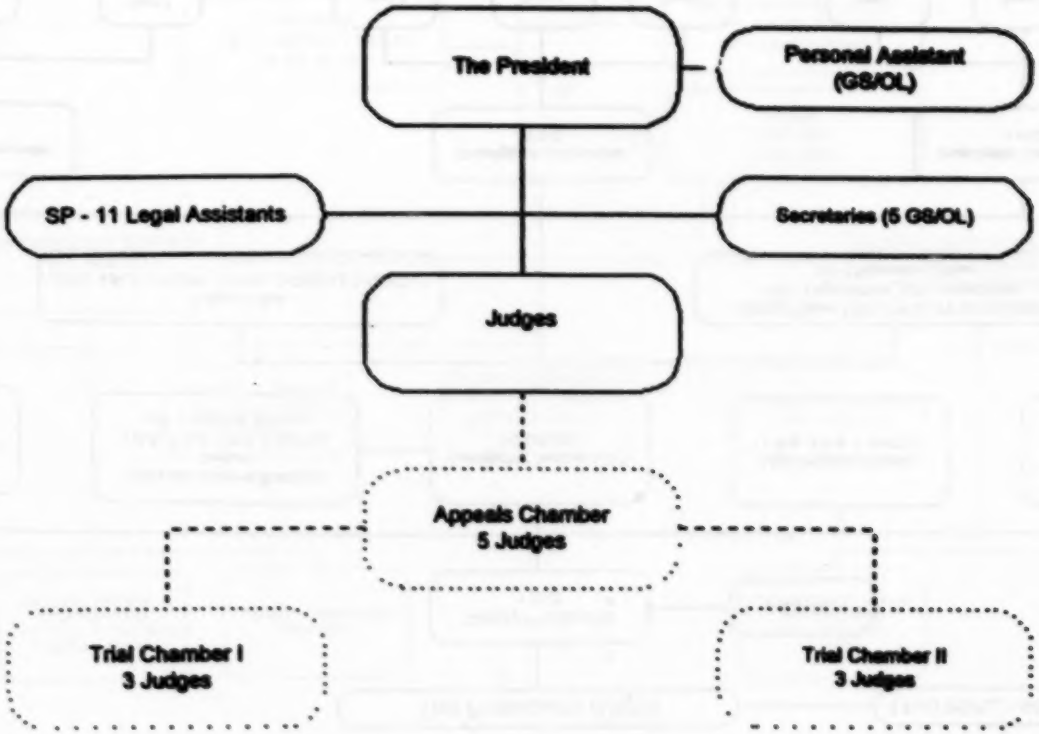
support costs, including witness assistants and local transportation, have been provided from voluntary contributions. At present, the Tribunal is finalizing a proposal from the International Rehabilitation Council for Torture Victims for the provision of professional counselling and support services for victims and witnesses appearing before the Tribunal, which would be funded through a grant of the European Commission.

19. With regard to witness protection, the Tribunal has entered into numerous discussions with a number of Member States regarding the willingness to assist with funding and relocation of protected witnesses. While witness protection has been minimal during the first years of the Tribunal's existence, with the onset of trial activity earlier in 1996, it is estimated that witness protection will feature more prominently in the future. In view of the need for the provision of such services and the heavy expenditures that accompany such action, resources must be provided to ensure that witness protection is never compromised. Accordingly, the support of Member States is enlisted to defray the potential costs associated with the provision of these services.

Annex II

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA

THE CHAMBERS



SP - Seconded personnel.

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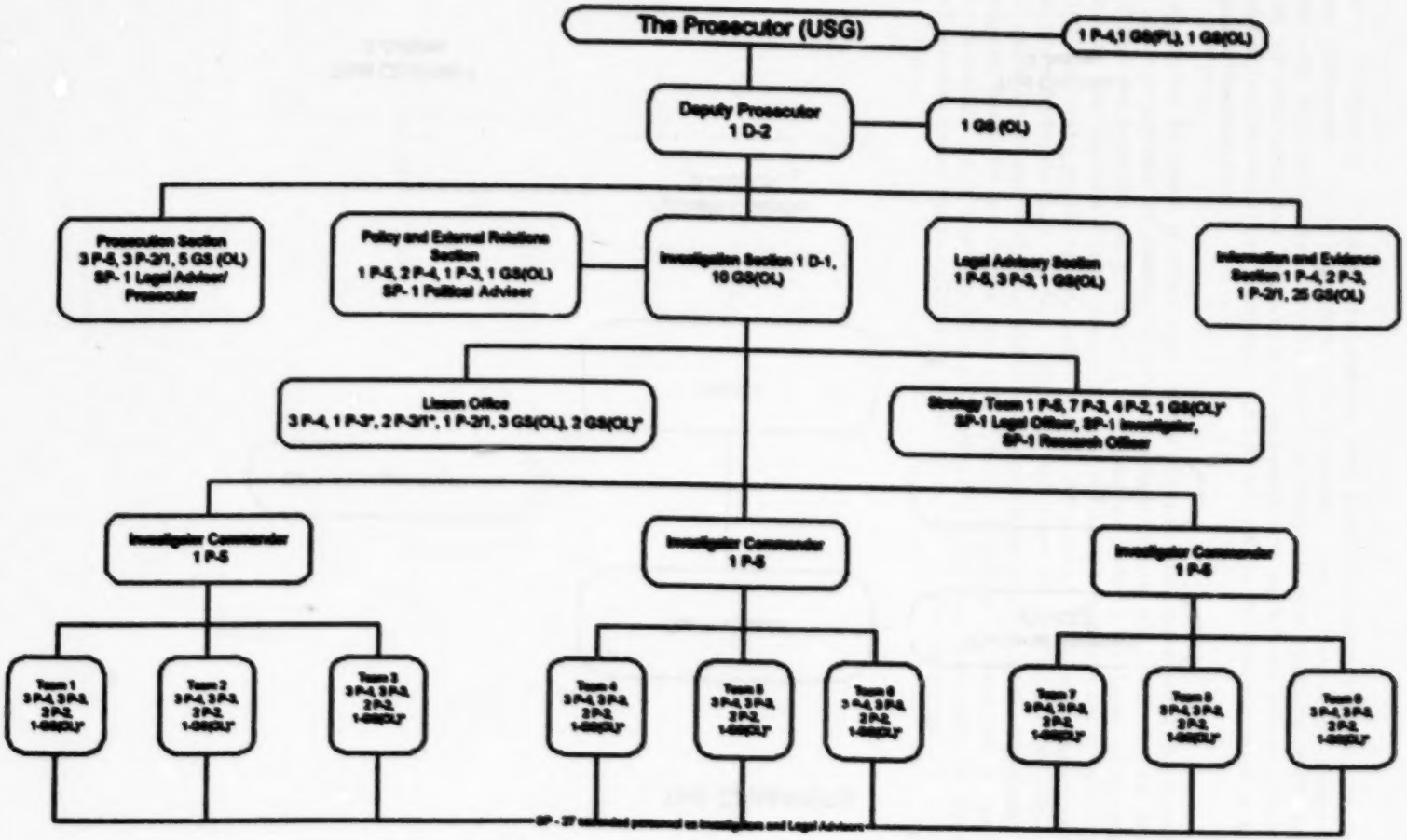
Annex III

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
OFFICE OF THE PROSECUTOR



* - New posts.

SP - Seconded personnel.

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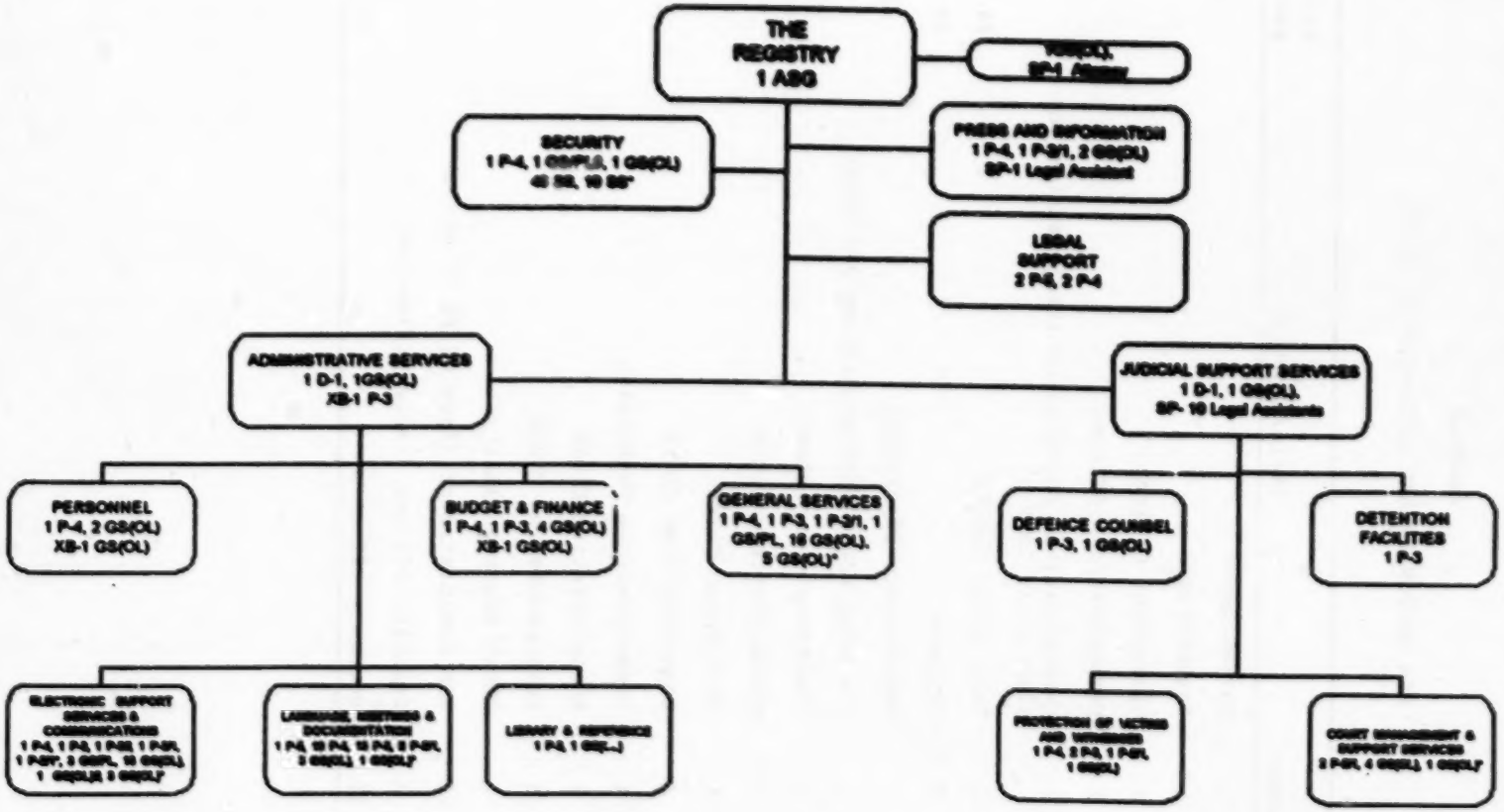
Annex IV

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA
THE REGISTRY



* - New post.
\# - Reclassification.
XB - Extrabudgetary resources.
SP - Seconded personnel.

Annex V

NEW TEMPORARY AND RECLASSIFIED POSTS

Post	Number	Title/Function	Reference paragraph
P-3	1	Investigator	41
P-2	1	Investigator	41
P-2	1	Operations Officer	39
P-2	1	Communications Officer	75
(P-2)	-1	Communications Coordinator (reclassification from P-2/1 to P-3)	76
GS(OL)	10	Data Entry Clerks	34 and 36
GS(OL)	2	Drivers	39 and 41
GS(OL)	1	Maintenance Supervisor	70
GS(OL)	1	Cleaning/Housekeeping/Catering Assistant	70
GS(OL)	1	Procurement Assistant	71
GS(OL)	1	Travel/Traffic Clerk	72
GS(OL)	1	Mail/Pouch Clerk	73
GS(OL)	1	Communications Clerk	77
GS(OL)	1	Communications Technician	77
GS(OL)	1	Administrative Clerk	77
GS(OL)	1	Text-processing Clerk	79
GS(OL)	1	Court Records Clerk	67
((GS(OL))	-1	LAN Administrator (from GS/PL to GS/OL)	76
GS(PL)	1	Security Officer (reclassification)	64
SS	10	Security Officers	63 and 64